

Attorney Docket No. 1149/HG

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Applicants : Yuki ABE et al.  
Serial No. : 09/836,705  
Filed : April 17, 2001  
For : GENES FROM A GENE CLUSTER  
Art Unit : 1645  
Examiner :

**SUBMISSION OF CERTIFICATES OF DEPOSIT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

S I R :

Submitted concomitantly herewith are copies of the  
Certificates of Deposit and English language translations thereof  
for the following deposited microorganisms:

<u>Microorganism</u>	<u>Deposit No.</u>	<u>Deposit Date</u>
E. coli pML48 SANK 71199	FERM BP-6780	July 7, 1999
E. coli pSAKexpE SANK 72499	FERM BP-7005	Jan. 25, 2000
E. coli pSAKexpR SANK 72599	FERM BP-7006	Jan. 25, 2000

All of the above-identified microorganism were deposited  
with the National Institute of Bioscience and Human-Technology

Express Mail Mailing Label  
No.: EL 922 088 777 US  
Date of Deposit: October 25, 2001  
I hereby certify that this paper is  
being deposited with the United  
States Postal Service "Express Mail  
Post Office to Addressee" service  
under 37 CFR 1.10 with sufficient  
postage on the date indicated above  
and is addressed to the Assistant  
Commissioner for Patents,  
Washington, D.C. 20231

*Dorothy DeFrancesco*  
Dorothy DeFrancesco

In the event that this Paper is late  
filed, and the necessary petition  
for extension of time is not filed  
concurrently herewith, please  
consider this as a Petition for the  
requisite extension of time, and to  
the extent not tendered by check  
attached hereto, authorization to  
charge the extension fee, or any  
other fee required in connection  
with this Paper to Account No.  
06-1378.

**COPY**

**COPY**

Agency of Industrial Science and Technology, 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken 305-8566, Japan.

Respectfully submitted,



RICHARD S. BARTH  
REG. NO. 28,180

FRISHAUF, HOLTZ, GOODMAN, LANGER & CHICK, P.C..  
767 THIRD AVENUE - 25TH FLOOR  
NEW YORK, NEW YORK 10017-2023  
Tel. No. (212) 319-4900  
Fax No. (212) 319-5101  
RSB/ddf

Enclosures: Copies of Certificates of Deposit and English  
language translations thereof for FERM BP-6780,  
FERM BP-7005 and FERM BP-7006

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page.

特許手続上の微生物の寄託の国際的承認  
に関するブダペスト条約

下記国際寄託当局によって規則 7.1 に従い  
発行される。

原寄託についての受託証

氏名 (名称) 三共株式会社  
取締役社長 河村 喜典

寄託者 あて名 〒 東京都中央区日本橋本町3丁目5番1号 殿

1. 微生物の表示

(寄託者が付した識別のための表示)

E. coli pML48 SANK71199

(受託番号)

FERM BP- 6780

2. 科学的性質及び分類学上の位置

1 欄の微生物には、次の事項を記載した文書が添付されていた。

- ☐ 科学的性質  
☐ 分類学上の位置

3. 受領及び受託

本国際寄託当局は、平成 11 年 7 月 7 日 (原寄託日) に受領した 1 欄の微生物を受託する。

4. 移管請求の受領

本国際寄託当局は、年 月 日 (原寄託日) に 1 欄の微生物を受領した。  
そして、年 月 日に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。

5. 国際寄託当局

通商産業省工業技術院生命工学工業技術研究所

名称: National Institute of Bioscience and Human-Technology  
Agency of Industrial Science and Technology

所長 大箸 信一

Dr. Shinichi Ohnishi, Director-General

あて名: 日本国茨城県つくば市東1丁目1番3号 (郵便番号 305-8566)  
1-3, Higashi 1 chome Tsukuba-shi Ibaraki-ken  
305-8566, JAPAN

平成 11 年 (1999) 7 月 7 日

## INTERNATIONAL FORM

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

## RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page

NAME AND ADDRESS  
OF DEPOSITOR

Sankyo Company, Limited  
Representative Director and President  
Yoshibumi Kawamura  
5-1, Nihonbashi Honcho 3-chome, Chuo-ku,  
Tokyo 103-8426 Japan

1. IDENTIFICATION OF THE MICROORGANISM	
(Identification reference given by the DEPOSITOR) E. coli pML48 SANK71199	( Accession number ) FERM BP-6780
2. SCIENTIFIC DESCRIPTION AND / OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under 1 above was accompanied by :	
<input type="checkbox"/>	a scientific description
<input type="checkbox"/>	a proposed taxonomic designation
3. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under column 1, which was received by it on July 7, 1999 (date of the original deposit).	
4. RECEIPT OF REQUEST OF TRANSFERRING	
Our International Depositary Authority accepted a microorganism described in column I on . . . . . And we accepted the request of transferring the microorganism from original deposit to the deposit and Budapest Treaty on . . . . .	
5. INTERNATIONAL DEPOSITARY AUTHORITY	
Name : National Institute of Bioscience and Human-Technology Agency of Industrial Science and Technology	
of <u>Dr. Shinichi Ohashi, Director-General</u>	
Address : 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken 305-8566, JAPAN	
Date : July 7, Heisei 11 (1999)	



特許手続上の微生物の寄託の国際的承認  
に関するブダペスト条約

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF  
MICROORGANISMS FOR THE PURPOSES OF  
PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL  
DEPOSIT

下記国際寄託当局によって規則 7. 1 に従い  
発行される。

issued pursuant to Rule 7. 1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this  
page.

原寄託についての受託証

氏名 (名称)

三共株式会社

取締役社長

河村 喜典

寄託者

殿

あて名 〒

東京都中央区日本橋本町3丁目5番1号

1. 微生物の表示

(寄託者が付した識別のための表示)

E. coli pSAKexpE SANK 72499

(受託番号)

FERM BP- 7005

2. 科学的性質及び分類学上の位置

1 欄の微生物には、次の事項を記載した文書が添付されていた。

☐ 科学的性質

☐ 分類学上の位置

3. 受領及び受託

本国際寄託当局は、平成 12 年 1 月 25 日 (原寄託日) に受領した 1 欄の微生物を受託する。

4. 移管請求の受領

本国際寄託当局は、  
年 月 日 (原寄託日) に 1 欄の微生物を受領した。  
そして、  
年 月 日に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。

5. 国際寄託当局

通商産業省工業技術院生命工学工業技術研究所

名称: National Institute of Bioscience and Human-Technology  
Agency for Industrial Science and Technology

所長 大箸 信一

Dr. Shichiaki Ohsashi Director-General

あて名: 日本国茨城県つくば市東 1-3 号 (郵便番号 305-8566)

1-3, Higashi Tsukuba-shi Ibaraki-ken  
305-8566, JAPAN

平成 12 年 (2000) 1 月 25 日

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

## RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this pageNAME AND ADDRESS  
OF DEPOSITORSankyo Company, Limited  
Representative Director and President  
Yoshibumi Kawamura  
5-1, Nihonbashi Honcho 3-chome, Chuo-ku,  
Tokyo 103-8426 Japan

1. IDENTIFICATION OF THE MICROORGANISM	
(Identification reference given by the DEPOSITOR) E. coli pSAKexpE SANK 72499	( Accession number ) FERM BP-7005
2. SCIENTIFIC DESCRIPTION AND / OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under 1 above was accompanied by :	
<input type="checkbox"/>	a scientific description
<input type="checkbox"/>	a proposed taxonomic designation
3. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under column 1, which was received by it on January 25, 2000 (date of the original deposit).	
4. RECEIPT OF REQUEST OF TRANSFERRING	
Our International Depositary Authority accepted a microorganism described in column I on . . . . . And we accepted the request of transferring the microorganism from original deposit to the deposit and Budapest Treaty on . . . . .	
5. INTERNATIONAL DEPOSITARY AUTHORITY	
Name : National Institute of Bioscience and Human-Technology Agency of Industrial Science and Technology	
of <u>Dr. Shinichi Ohashi, Director-General</u>	
Address : 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken 305-8566, JAPAN	
Date : January 25, Heisei 12 (2000)	

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

## RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

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下記国際寄託当局によって規則 7. 1 に従い  
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## 原寄託についての受託証

氏名 (名称)

三共株式会社

取締役社長

河村 喜典

寄託者

あ て 名 下

殿

東京都中央区日本橋本町3丁目5番1号

## 1. 微生物の表示

(寄託者が付した識別のための表示)

E. coli pSAKexpR SANK 72599

(受託番号)

FERM BP- 7006

## 2. 科学的性質及び分類学上の位置

1 欄の微生物には、次の事項を記載した文書が添付されていた。

☐ 科学的性質☐ 分類学上の位置

## 3. 受領及び受託

本国際寄託当局は、平成 12 年 1 月 25 日 (原寄託日) に受領した 1 欄の微生物を受託する。

## 4. 移管請求の受領

本国際寄託当局は、  
年 月 日 (原寄託日) に 1 欄の微生物を受領した。  
そして、年 月 日に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。

## 5. 国際寄託当局

通商産業省工業技術院生命工学工業技術研究所

名称: National Institute of Bioscience and Human-Technology  
Agency for Industrial Science and Technology

所 長 大 箸 信

Dr. Shinobu Ohtsuka Director-General

あて名: 日本国茨城県つくば市東 1 丁目 1 番 3 号 (郵便番号 305-8566)

1-3, Higashi 1 chome Tsukuba-shi Ibaraki-ken  
305-8566, JAPAN

平成 12 年 (2000) 1 月 25 日

## INTERNATIONAL FORM

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NAME AND ADDRESS  
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Sankyo Company, Limited  
Representative Director and President  
Yoshibumi Kawamura  
5-1, Nihonbashi Honcho 3-chome, Chuo-ku,  
Tokyo 103-8426 Japan

1. IDENTIFICATION OF THE MICROORGANISM	
(Identification reference given by the DEPOSITOR) E. coli pSAKexpR SANK 72599	( Accession number ) FERM BP-7006
2. SCIENTIFIC DESCRIPTION AND / OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under 1 above was accompanied by :  <div style="display: flex; justify-content: space-around;"><div><input type="checkbox"/></div><div>a scientific description</div></div> <div style="display: flex; justify-content: space-around;"><div><input type="checkbox"/></div><div>a proposed taxonomic designation</div></div>	
3. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under column 1, which was received by it on January 25, 2000 (date of the original deposit).	
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5. INTERNATIONAL DEPOSITARY AUTHORITY	
Name : National Institute of Bioscience and Human-Technology Agency of Industrial Science and Technology  of <u>Dr. Shinichi Ohashi, Director-General</u>  Address : 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken 305-8566, JAPAN  Date : January 25, Heisei 12 (2000)	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Yuki ABE et al  
Serial Number : 09/836,705  
Filed : April 17, 2001  
For : GENES FROM A GENE CLUSTER



RECEIVED  
APR 03 2002  
TECH CENTER 1600/23800

STATEMENT UNDER 37 CFR 1.821(f) & (g)

The undersigned declarant hereby states that:

The Sequence Listing information recorded on the enclosed computer readable form (disk) is identical to the written Sequence Listing (printout) (paper copy) annexed hereto, and the sequence(s) in said Sequence Listing are identical to the sequence(s) filed with the above-referenced patent application.

The submission made concomitantly with this STATEMENT does not contain any new matter.

Date: May 31, 2001

Tohru Watanabe  
Name: Tohru WATANABE

COPY



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Page 1 of 2

APR 03 2002

TECH CENTER 1600/2900

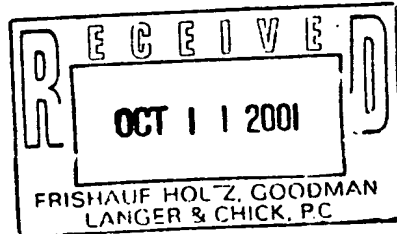


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/836,705	04/17/2001	Yuki Abe	01149/HG

01933  
FRISHAUF, HOLTZ, GOODMAN &  
LANGER & CHICK, PC  
767 THIRD AVENUE  
25TH AVE  
NEW YORK, NY 10017-2023



CONFIRMATION NO. 7090

FORMALITIES LETTER



\*OC000000006862932\*

Date Mailed: 10/09/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821( ) may be submitted in lieu of a new CRF.

For questions regarding compliance with these requirements, please contact:

- For Rule Interpretation, call (703) 308-4216
- To Purchase Patent Software, call (703) 306-2600
- For Patent Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

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*A copy of this notice **MUST** be returned with the reply.*

*248*

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Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

